

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	
)	CASE NO.
JUAN RANGEL-RUBIO,)	4:18-CR-274-LGW-CLR-2
)	
_____ Defendant.)	

SENTENCING HEARING
BEFORE THE HONORABLE LISA GODBEY WOOD
April 10, 2023; 10:34 a.m.
Brunswick, Georgia

APPEARANCES:

For the Government:	TANIA D. GROOVER, Esq. U. S. Attorney's Office P. O. Box 8970 Savannah, Georgia 31412 (912) 201-2552 tania.groover@usdoj.gov
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For the Defendant:	KATIE A. BREWINGTON, Esq. The Brewington Law Firm, LLC P. O. Box 11153 Savannah, Georgia 31412 (912) 704-0858 kabrewington@gmail.com
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1 P R O C E E D I N G S

2 THE COURT: Good morning.

3 SPEAKERS: Good morning.

4 THE COURT: Ms. Sharp, call the case.

5 THE CLERK: United States of America versus Juan
6 Rangel-Rubio, Tania Groover for the Government, Katie Brewington
7 for the Defense.

8 MS. GROOVER: Good morning. The United States is ready
9 to proceed.

10 MS. BREWINGTON: Good morning, Judge. Defense is ready
11 as well.

12 THE COURT: Ms. Brewington, approach with your client,
13 Mr. Juan Rangel-Rubio, and let me have our interpreter as well
14 as our reserve interpreter approach to receive the oath, and,
15 Ms. Sharp, if you will administer it.

16 (Interpreters sworn.)

17 THE COURT: Thank you. All right, we are here, of
18 course, for the purposes of sentencing following the jury trial
19 of Mr. Rangel-Rubio. I did want to say at the beginning the
20 defendant had filed a motion for a new trial and renewed his
21 motion for acquittal and I have denied both of those motions.
22 I've issued a 15-page written order that addresses both and that
23 has been posted on the record.

24 With that, Mr. Rangel-Rubio, you appeared before this
25 Court on October 25th, 2022 accompanied by your attorney, Ms.

1 Brewington, for your jury trial. On October 31st, 2022, you
2 were found guilty by a jury of your peers of Count 1 of the
3 superseding indictment charging you with conspiracy to conceal,
4 harbor and shield illegal aliens in violation of 8 USC Section
5 1324(a)(1)(A)(b)(1), Count 2 of the superseding indictment
6 charging you with money-laundering conspiracy in violation of 18
7 USC Section 1956(h), Count 6 of the superseding indictment
8 charging you with conspiracy to kill a witness in violation of
9 18 USC Section 1512(k) and Count 7 of the superseding indictment
10 charging you with conspiracy to retaliate against a witness in
11 violation of 18 USC Section 1513(f).

12 Following that jury's verdict, I directed the probation
13 office to prepare a presentence report and to disclose that
14 report to the Defense and to the Government.

15 Now, Mr. Rangel-Rubio, have you had the opportunity with
16 the help of a translator to read that report and its brief
17 addendum and with the help of an interpreter to discuss them
18 with your attorney?

19 THE DEFENDANT: Yes.

20 THE COURT: And are there any objections remaining to
21 that report including any objections to the probation officer's
22 factual findings set forth in that report or to any of her
23 conclusions about application of the advisory sentencing
24 guidelines, any objections to that report on behalf of the
25 Defense?

1 MS. BREWINGTON: Judge, just overall, Mr. Rangel-Rubio
2 does maintain his innocence, so we did an overall objection to
3 the recitation of facts but do not expect to have to flesh that
4 all out today. We just wanted that on the record.

5 THE COURT: On behalf of the United States, any
6 objections?

7 MS. GROOVER: No objections, Your Honor.

8 THE COURT: Then let me turn to you, Ms. Brewington.
9 Are there any witnesses you'd like to call, evidence you'd like
10 to bring forth or argument you would like to make in support of
11 any objections to the factual statements that you've raised?
12 The presentence report sets forth the factual background in
13 Paragraph 7 through 28. It's my understanding that because Mr.
14 Rangel-Rubio maintains his innocence, he objects to Paragraphs 7
15 through 28. Is there any elaboration you would like to make on
16 that, proof to offer?

17 MS. BREWINGTON: No, Judge. We just wanted that for the
18 record.

19 THE COURT: And the record will reflect that you are
20 maintaining innocence and object to those facts as set forth in
21 Paragraphs 7 through 28.

22 I do overrule those objections. I was the trial judge
23 in the case and was present for, of course, all of the evidence
24 that was brought forth that overwhelmingly established guilt of
25 the charges that were set forth and by a preponderance of the

1 evidence showed that the facts that are recited in Paragraphs 7
2 through 28 are certainly supported by the evidence that was
3 brought forth through the trial, and a jury of Mr.
4 Rangel-Rubio's peers found that he was guilty and heard that
5 evidence, and as a result, I find that a preponderance of the
6 credible evidence does support the facts as set forth in
7 Paragraphs 7 through 28.

8 I find beyond a reasonable doubt the evidence set forth
9 in Paragraphs 7 through 28 was supported by the evidence at
10 trial and as a result the objections are overruled. As it
11 relates to the paragraphs that were not objected to in the
12 report, I'll adopt those as my findings of fact and also adopt
13 all of the conclusions with regard to the advisory guidelines
14 reached by the probation officer.

15 All those conclusions that were not objected to, I will
16 adopt those as my conclusions and therefore determine in Mr.
17 Rangel-Rubio's case a total offense level of 43, a criminal
18 history category of 1. That results in life imprisonment, one
19 to three years of supervised release as to Counts 1 and 2, two
20 to five years of supervised release as to Counts 6 and 7. The
21 advisory guidelines are \$50,000 to \$500,000.00 fine,
22 \$1,351,217.05 restitution, \$400.00 of special assessments.

23 As for the statutory penalties, for Count 1, there is no
24 minimum term in prison required and there's a maximum of ten
25 years in prison; as for Count 2, there is no minimum term of

1 imprisonment required and there's a maximum of 20 years; and as
2 for Counts 6 and 7, the statutory penalty is life in prison.

3 Ms. Groover, let me turn to you. Are there any victims
4 present who wish to make a statement regarding impact, financial
5 or otherwise, that the instant offenses have had on them?

6 MS. GROOVER: Your Honor, I believe there are two
7 members of Mr. Montoya's family who would like to speak. There
8 are others present, but may I confirm that if there are others
9 who would like to speak?

10 THE COURT: And as she's doing that, Mr. Rangel-Rubio,
11 if you will have a seat.

12 MS. GROOVER: Your Honor, there are two members who
13 would like to address Your Honor.

14 THE COURT: And if you'll call the first to the podium.

15 MS. GROOVER: Yes, Your Honor. And they do speak
16 Spanish. The first is Mr. Alvarez, who is Mr. Montoya's uncle.

17 THE COURT: Okay.

18 MR. ALVAREZ: A very good morning to everybody with the
19 respect that everyone here is deserving of. So I would just
20 like to reiterate this has been a very long case that's taken a
21 long time to see come to its end but I would like to thank
22 everybody involved in making it possible for this case to have
23 gotten to this point and have been handled correctly and
24 finalized.

25 And lastly I would just like to say as far as the other

1 family members and towards the people that did bad things as
2 well that from the Montoya family and the Rubio family that
3 things are fine and just that. Thank you to everybody and
4 that's all I had to say.

5 THE COURT: All right, thank you, sir.

6 Ms. Groover, your next victim.

7 MS. GROOVER: Mr. Montoya, Mr. Eluid Montoya's brother,
8 would also like to speak to Your Honor.

9 MR. MONTOKYA: Good morning. First of all, I would just
10 like to thank everybody for all of the effort that was put into
11 this and to you, Your Honor, for assuring that justice was done.
12 And also to the police for being able to gather and present all
13 of the evidence that was necessary. And I hope that Juan
14 Rangel-Rubio that was willing to murder in cold blood like a
15 coward, I hope that he finds peace in prison seeing that this is
16 going to be the punishment that he's going to have for the rest
17 of his life.

18 And in the meantime the rest of us will be left here
19 trying to learn how to live without having the person with us
20 that we love and we have to learn to live in this condition
21 unfortunately, and we have God to thank that justice was done,
22 and even though this took a very long time for all of this to
23 happen, perhaps now that it's ending, we can move ahead and try
24 and get past this as well as we possibly can. And on behalf of
25 the Montoya family, my sister-in-law, my nephews, everybody, we

1 would just like to say thank you very much.

2 THE COURT: Thank you, sir.

3 Ms. Groover, anyone else?

4 MS. GROOVER: No, Your Honor.

5 THE COURT: Ms. Brewington and Mr. Rangel-Rubio,
6 reapproach.

7 Ms. Brewington, as far as sentencing goes, are there any
8 witnesses you'd like to call or evidence you'd like to bring
9 forth or argument you would like to make in mitigation?

10 MS. BREWINGTON: Argument, Judge.

11 THE COURT: Proceed.

12 MS. BREWINGTON: Thank you, Judge. In looking at the
13 factors of USC 3553, I think there are different aspects of
14 Juan's life that are important to highlight. He was born in
15 Hidalgo, Mexico in conditions I don't think any of us could ever
16 begin to understand. He grew up in such poverty that his
17 extended family lived in a one-bedroom home. They had to walk
18 half an hour every day for water. He received little to no
19 education, about six formal years of education. He saw much
20 violence and corruption and things that United States citizens
21 are not used to.

22 And for that, he came to the United States for a better
23 life. Even though he came here, he remained in very close
24 contact with his family and his children. He sent money
25 regularly as much as he could and he maintained phone calls on a

1 weekly basis with his brothers, sisters and his children.

2 While he's been here and really his whole life he has
3 been an extremely hard worker. He began work at Age 6. He
4 entered the Mexican army and completed about five years of
5 service with them.

6 And while here in the United States, he's mostly done
7 construction and tree-trimming jobs. During the time of his
8 arrest he was working about six to seven days a week.

9 It is definitely important to note that he was here for
10 quite some time and he is a criminal history 1. There wasn't a
11 lot of things that occurred before this case at hand before you
12 today.

13 In getting to know Juan, he is an extremely religious
14 man. He brought his Bible with him to every single day of the
15 trial. He reads his Bible daily and plans to continue to do so.

16 And looking back at the evidence, Judge, I think one of
17 the things that sticks out for me the most is the relationship
18 that he had with Pablo, his codefendant. I think that he was a
19 very much subordinate to Pablo. I think that is most evident
20 when we look at the living conditions on the compound that these
21 people were staying in.

22 Pablo had a brand-new home, a brand-new outbuilding, a
23 plethora of land and Juan was living in an old dilapidated
24 camper with his girlfriend. He was not living in -- I would say
25 Pablo was living high on the hog in the things that they were

1 doing and Juan was not. He was very much a subordinate to what
2 Pablo told him to do.

3 In looking at the sentence that Pablo got, he received
4 584 months. I believe the culpability between the two is
5 similar, and so what I'm asking for The Court to do today is
6 sentence Juan to 600 months. I think this serves the purpose of
7 the USC 3553. It's a just punishment. It will deter further
8 criminal conduct, and it promotes respect for the law, so that
9 is what we're asking from The Court here today and Juan would
10 like to speak when it is time and appropriate for him, Judge.

11 THE COURT: And I will hear from him last of all. If
12 you two will have a seat and let me turn to Ms. Groover for the
13 Government's position with regard to sentencing.

14 MS. GROOVER: Thank you, Your Honor. Many people come
15 to America in search of a better life and they work hard when
16 they are in this country just like the defendant did but not all
17 of them kill to protect and conceal their crimes.

18 The defendant is an assassin. He is a cold-blooded
19 killer who hunted down and shot Eluid Montoya, a federal
20 whistleblower. This is not an accidental killing. This was not
21 a crime of passion, and it was not a crime of opportunity. No,
22 it was a premeditated assassination of a good man who blew the
23 whistle on a multi-million dollar scheme to hire and mistreat
24 illegal aliens, other people who came here to this country in
25 search of a better life. The defendant killed a man who

1 believed in the rule of law. He killed a man who believed in
2 standing up for what was right. He killed a man who believed in
3 helping others who could not help themselves.

4 Mr. Montoya saw that his coworkers were mistreated by
5 their supervisor, the defendant's brother. Mr. Montoya saw that
6 Pablo, who was an illegal alien, was also hiring other illegal
7 aliens and not paying them for all the hours that they worked
8 including Juan Ramirez, an individual who is seeking restitution
9 today.

10 Mr. Montoya saw that his coworkers would sometimes get
11 injured on the job and they couldn't get the medical treatment
12 that they needed because of these working conditions.

13 Mr. Montoya saw his coworkers would sometimes go weeks
14 without pay and they struggled financially not knowing when
15 their next paychecks would come because Pablo, the defendant's
16 brother, was holding them.

17 Mr. Montoya reported these injustices to the company,
18 and what happened? His complaint was given to Pablo, and Mr.
19 Montoya was written up for safety violations, something that Mr.
20 Montoya disagreed with.

21 But that didn't stop him, Mr. Montoya, from standing up
22 for what was right and what he believed in. He kept on. After
23 he was suspended on one day, the next day he reported this to
24 the United States Equal Employment Opportunity Commission and he
25 had planned to go to department of labor on Monday, that

1 following Monday. Mr. Montoya took this case to the federal, to
2 the United States Equal Employment Opportunity Commission, and
3 blew the whistle on a 3.5-million-dollar scheme.

4 But he never got the chance to go to the department of
5 labor on Monday as he had planned because the defendant was
6 planning to kill him.

7 Juan made plans. While Mr. Montoya was planning to
8 right a wrong, Juan was planning to kill him. The defendant is
9 illegally in this country, stealing over -- personally stealing
10 over \$500,000.00 from this illegal scheme, living on the land
11 with his brother and his family, willing to kill to protect it
12 all.

13 He killed Mr. Montoya to punish him for complaining
14 because he threatened to take away everything from him and his
15 family. He also killed him to prevent him from going any
16 further. He shot him five times, and several of those shots
17 were fatal, not once, but five times, one of which went inside
18 his mouth to shut him up from talking, to prevent him from going
19 any further. It was also a symbolic killing, not just a
20 premeditation assassination.

21 The defendant killed a son to Mr. Montoya's mother. He
22 killed a brother to Mr. Montoya's brothers and sisters. He
23 killed a nephew to Mr. Montoya's uncle. He killed a husband to
24 his wife. He killed a father to his daughters. He killed a
25 provider for a family. He stole all of it and left the family

1 without their son, their brother, their husband, their father,
2 their provider, their rock.

3 He took the life of a good man, and justice requires
4 that he spend the rest of his life in prison. In addition,
5 justice would also demand restitution. United States is
6 requesting restitution in the amount of \$1,326,000.00 payable to
7 Maria Montoya for the loss of future wages of Mr. Montoya, and
8 restitution in the amount of \$21,804.25 payable to Juan Ramirez
9 for the lost wages when he worked for Pablo, a scheme that the
10 defendant benefited from.

11 Thank you, Your Honor.

12 THE COURT: Thank you, Ms. Groover.

13 Ms. Brewington and Mr. Rangel-Rubio, reapproach.

14 And Ms. Brewington, I understand that the Defense is
15 maintaining innocence, but with regard to the amount of
16 restitution that the probation officer recommends and that the
17 victim letters indicate, is there any dispute about the amount?

18 MS. BREWINGTON: There is not, Judge.

19 THE COURT: All right, well, Mr. Rangel-Rubio, let me
20 turn to you. It is your opportunity to address me last. Is
21 there anything you would like to say before I decide your
22 punishment?

23 THE DEFENDANT: Yes.

24 THE COURT: Proceed.

25 THE DEFENDANT: Well, before anything else, I want to

1 apologize to this Court and to the United States, people of the
2 United States. I want to apologize for coming to this country
3 illegally. I also want to apologize for putting my life in
4 danger by removing trees that are close to the power lines,
5 trees that are on top of houses and trees that put in risk, are
6 in risk of causing disasters during tornadoes and hurricanes and
7 storms and working very hard for so that the power companies can
8 restore power and so that hundreds and thousands of Americans
9 can go back to their homes.

10 I want to apologize for being such an ignorant person
11 that doesn't know that being a hard worker is illegal in this
12 country. I also want to tell Mrs. Montoya and the Montoya
13 family that I didn't kill her husband and their brother. And
14 that I -- I feel their loss. Montoya was a coworker and we
15 worked together often.

16 I'm sorry, Ms. Montoya and the Montoya family, but Mr.
17 Montoya was not the person that they showed in this court. I
18 know that he's dead. He cannot defend himself, but many of us
19 know he did like they said help many families. But at the same
20 time he took advantage of them when he helped them.

21 In 2009, Mr. Refugio Ramirez was stopped by police. And
22 his truck was seized. Mr. Montoya offered helping him to get
23 the truck out of impound. But he never returned the truck to
24 Mr. Refugio Ramirez. Two or three years after that, two or
25 three years later, Mr. Montoya stole from Jose Cortez Martinez

1 more than \$5,000.00 for his taxes. One or two years before his
2 death, he told me that during tax time he would make more than
3 \$60,000.00. That's the year he bought the truck to work, to do
4 the tree work.

5 Montoya family, Mrs. Montoya, maybe you didn't know what
6 Mr. Montoya did, but he had many enemies out there. I know that
7 you, your children, your brothers hurt a lot with his death.
8 But I want you to know that I'm innocent and that I'm going to
9 pay for a crime I did not commit and the real guilty person is
10 out there walking out there free.

11 We're in a country that likes to call itself the most
12 powerful in the world and with the best technology. And they
13 couldn't find real evidence, nothing that would show, point out
14 the real murderer.

15 And do you know why? Because these people in the
16 government, "professional" is only a name. They don't like to
17 work and they always take the easiest way.

18 I apologize, Ms. Montoya, for these words and also
19 Montoya family. And I ask for the favor to think if you -- if
20 you really think that the Government had the evidence to find me
21 guilty, without real evidence, and also through -- and only
22 through lies of people because we all know that the witnesses
23 were all fake witnesses.

24 Today is the third time that I hear a lie from the
25 Government. Initially they said that Mr. Montoya had been shot

1 three times. During the trial they said that Mr. Montoya had
2 been shot six times. And now madam district attorney said that
3 he was shot five times. Which one is the truth?

4 I know that you didn't see, referring to the evidence,
5 that the Government had against me. But there were many things
6 that the Government, they said that they think, only they think.
7 You saw me here during the trial. I've always been calm. And
8 I've said it before. I met God, and now that I met God I say it
9 again, I have never been afraid of dying or of prison or
10 anything.

11 If Mr. Montoya were here, he would tell you about so
12 many times that I risked my life with trees that were very
13 dangerous on top of the power lines, that nobody in the company
14 wanted to do that job and Americans much less.

15 Sirs, ma'am, Your Honor, I came to this country to work
16 and I've worked all my life. As my attorney said, I started
17 working when I started walking. I left my family 14 to go work
18 away from the family. I always worked hard. At the beginning
19 because I was so young it was difficult to find a job in Mexico
20 City.

21 Well, I worked in construction for years. After I was
22 eight I started in the military. And I also wanted to say that
23 I've always been responsible at my job. It was what my father
24 taught me. And in this place in the United States since the
25 year 2000 when I entered this country, I always worked hard to

1 earn a place at work. At the company, the Wolf Tree Company, I
2 started working there in 2003 in Nashville, Tennessee.

3 As I said before, if the Government had investigated my
4 life, they would have a different image of myself. But
5 unfortunately I was not able to present witnesses to testify in
6 my favor and tell the truth because in the company everybody
7 knew that I was a wonderful worker.

8 I was accused of harboring and hiring illegals. But I
9 never hired anybody because I was never a supervisor. I was
10 just a worker. If my brother was doing that things, only he
11 knew, or, well, Oscar Cruz did, too, because he was also a
12 supervisor. My brother would only pay me my check. If I made
13 money, it was because as well as Mr. Montoya I also worked
14 Saturdays and Sundays. His family knows about that because we
15 worked together sometimes.

16 Regarding the money laundering, well, as I told my
17 attorneys from the beginning, that money would come to my
18 account but it was not my money. I never stole one dollar from
19 the workers.

20 But, you know, if the money was in my account and the
21 account -- and the account was my account, what can I say? As
22 well as Mr. Montoya sometimes I would help other coworkers if
23 they were paid with a check and they didn't have -- they didn't
24 have an account or they didn't have an ID.

25 And as I've told everybody and my attorneys, I'm going

1 to come back with a witnesses because the Government never
2 questioned, never interrogated people that I told them that were
3 the owners of the money that was in my account. And as I said,
4 they all always take the easy way and I've been here by myself
5 from the beginning. I hope you understand me and I hope that
6 you -- I apologize.

7 And, well, I said I'm going to come back -- I don't know
8 when -- to show my innocence and -- and fight my case. I want
9 to fight my case and show my innocence, I'm sorry.

10 I know that I need an attorney later for that and that I
11 need a lot of money, money that I don't have. As I've told many
12 people, I'm going to wash clothes, clean cells, sell candy until
13 I have enough money to pay for an attorney.

14 I also want to ask this Court if it's possible -- if
15 it's possible, Your Honor, if you could send me to a prison
16 close to my family where my family can come visit. And I don't
17 know, Your Honor, how many options there are, but I have family
18 in Texas, in New Mexico, in Oklahoma and Florida, and I would
19 like to be housed in one of those places.

20 What I've learned from other people that have been in
21 federal prisons, I know that I'm going to be sent to a maximum
22 security prison, maybe not maximum security but high security
23 prison. And I know that it's -- I know that it's dangerous in
24 those prisons. But as I -- I've told many people, as I just
25 said in this court, I'm not afraid of anything because I'm not

1 looking for enemies. I've never been a person creating
2 problems.

3 And well, I think the Government knows it because when
4 Ms. Christina -- Christina Bishop went to Mexico to investigate
5 my life there, I don't think that she was able to find any --
6 any bad record about me. I know that the only thing she was
7 able to find was the way of life there, the way we grew up, and,
8 well, she was the one who brought with her my military record.

9 Here in this court the Government portrayed me as a
10 cold-blooded killer because of my military record and
11 professional killer, but I want to say, to tell you in front of
12 all of you, that is a lie. The only training I had when I
13 joined the army was basic training, two months.

14 After that they sent me to the southern region of Mexico
15 to the state of Chiapas to work building roads, hospitals,
16 parks, to help the people in Chiapas, after the guerillas in
17 1994. I didn't go there to fight. I went there to work. As I
18 said, I've worked all my life.

19 I want to go back for a moment to something that my
20 attorney said. My brother was the boss. And when I told my
21 attorneys before Ms. Kathy was that my brother really, he lived
22 like a king, while I lived like my attorney said in a -- in a
23 camper that was falling apart because it was so old. That means
24 I didn't have money.

25 When I was arrested I had about \$2,000.00 in my account.

1 That's very little money for a person that works seven days a
2 week. I've told many people that I feel like my brother took
3 advantage of me as well as of other people. He took advantage
4 of the fact that I was a hard worker. And, well, as everybody
5 knows I always worked out in the country. And my brother never,
6 never checked on me because he knew that I was a very hard
7 worker.

8 And while he used that time that he didn't have to use
9 supervising me at work, he used that time to travel. And as
10 I've told many people my story, he traveled all over the United
11 States. In fact, I spoke about to one of my sisters because he
12 often went to Texas while I would stay here working.

13 I didn't get any extra money. Even the company saved a
14 lot of money or he did -- I don't know who kept that money --
15 but I also did mechanical work at the company. I saved them
16 thousands of dollars but I didn't get any of that money. As I
17 said, I was just happy with my check and with what I made on
18 weekends, Saturdays and Sundays.

19 I know, well, maybe nothing of what I say now will
20 convince other people. Well, I say one more time, I'm innocent
21 of his death and I'm also innocent I could say of the money
22 because even though the money went to my account I didn't steal
23 money from anybody.

24 And well, I'm in your hands. I'm not going to cry
25 because crying only makes things worse. I'm going to be strong,

1 and as I said from the beginning I'm going to trust God and I'm
2 going to accept whatever God has for me.

3 Thank you, God bless you. That's all.

4 THE COURT: Mr. Rangel-Rubio, you need to remain in
5 place. Of course, I've listened to the defendant, Mr.
6 Rangel-Rubio, today and to his attorney, listened to counsel for
7 the Government, am very familiar with the facts of the case
8 having presided over the trial. I've studied the presentence
9 report and its addendum and I've given a great deal of thought
10 to each of the Section 3553 factors as they apply uniquely to
11 Mr. Rangel-Rubio.

12 In particular, I've considered at length the factor the
13 nature of the offense. Here we have among the most serious
14 offenses. I've considered the nature of the offender, both the
15 good and the bad regarding Mr. Rangel-Rubio, and it's clear on
16 the good side of things, Mr. Rangel-Rubio has been a hard
17 worker. He's talked today about some of the dangerous work that
18 he's done with the tree removal and so forth.

19 I've considered the negative things about Mr.
20 Rangel-Rubio. I've considered the need to promote deterrence,
21 both general and specific, the need to promote respect for the
22 law and the need for the punishment to reflect the seriousness
23 of the underlying conduct.

24 I did listen, Mr. Rangel-Rubio, to your semi-veiled but
25 fully weak attempts to tear down Mr. Montoya and the government

1 witnesses who built a strong case against you here in this
2 courtroom.

3 The evidence at trial showed that the victim, Mr. Eluid
4 Montoya, took a brave and righteous path to complain to the EEOC
5 about mistreatment, and in response to Mr. Montoya voicing
6 complaints, you conspired to shoot him in the mouth. You took
7 his life. Mr. Montoya will never spend another day anywhere
8 else on this earth.

9 As a result, it is proper that you spend all your
10 remaining days in prison. It is the judgment of The Court that
11 the defendant, Mr. Juan Rangel-Rubio, is hereby committed to the
12 custody of the Bureau of Prisons to be in prison for a term of
13 life. That term will consist of imprisonment of 120 months as
14 to Count 1, 240 months as to Count 2 and life imprisonment as to
15 each of Counts 6 and 7, all to be served concurrently.

16 Upon release from confinement, you will be delivered to
17 a duly authorized immigration and customs enforcement officer
18 for deportation proceedings.

19 I find no reason to depart from the sentence called for
20 by application of the advisory guidelines. The facts that were
21 found are all accounted for in this sentencing guideline
22 calculation. Restitution is due in the total amount of
23 \$1,351,217.05. That will consist of \$21,804.25 paid to Juan
24 Ramirez and \$1,329,412.80 paid to Maria Montoya. That
25 restitution owed to Ms. Montoya is joint and several with Pablo

1 Rangel-Rubio's restitution obligations in Case Number 4:22-30
2 and Higinio Perez-Bravo's restitution obligations in Case
3 4:18-CR-274.

4 And restitution owed to Mr. Ramirez is joint and several
5 with Pablo Rangel-Rubio's restitution obligations in Docket
6 Number 4:22-30.

7 Of course, the economic circumstances of this Mr.
8 Rangel-Rubio do not allow for payment in full of that large
9 restitution obligation, and as a result, pursuant to 18 USC
10 Section 3664(f)(3)(B), nominal payments of either quarterly
11 installments of a minimum of \$25.00 if working non-UNICOR or a
12 minimum of 50 percent of monthly earnings if working UNICOR
13 shall be paid, and then upon release from imprisonment and while
14 on supervised release, nominal payments of \$300.00 per month
15 shall be made. Those payments will be made payable to the Clerk
16 of the US District Court for disbursement to the victim.

17 I've determined that Mr. Rangel-Rubio does not have the
18 ability to pay interest and so I'm going to waive the interest
19 requirements, nor does he have the ability to pay a fine, and so
20 pursuant to the guidelines, I'm not going to order a fine
21 payment. There is \$400.00 special assessment -- that is \$100.00
22 per count -- that is due immediately.

23 I do recommend to the Bureau of Prisons that to the
24 extent space and security can accommodate his request, I do
25 recommend that Mr. Rangel-Rubio be placed in a facility perhaps

1 in Texas or New Mexico or Oklahoma or Florida so that he can be
2 placed near family who can visit him during his lifetime of
3 incarceration.

4 If he is released from imprisonment, then he will be on
5 supervised release for a term of five years. That term will
6 consist of three years as to each of Counts 1 and 2 and five
7 years as to each of Counts 6 and 7 all to be served
8 concurrently.

9 While on supervised release, he will comply with all the
10 standard conditions of supervision required by The Court and all
11 the mandatory terms of supervised release that are required by
12 federal law. Those will include a prohibition against the
13 possession of any firearm or dangerous weapon, a prohibition
14 against the violation of any law. He will cooperate in the
15 collection of a DNA sample as directed by Probation. I've
16 determined based on the specific facts of this case that certain
17 special conditions are in order and I order those special
18 conditions acknowledging that they do entail some deprivation of
19 liberty but nevertheless have decided that they are important
20 and order them as follows.

21 If he is released on supervised release and ordered
22 deported from the United States, he must remain outside the
23 United States unless legally authorized to reenter.

24 If he does reenter the United States, he must report to
25 the nearest probation officer within 72 hours after returning.

1 If he's not deported, he must report to the nearest probation
2 officer within 72 hours of release from custody.

3 He must provide the probation officer with access to any
4 requested financial information and authorize the release of
5 that financial information and that may be shared with the US
6 Attorney's Office.

7 He must not incur new credit charges or open additional
8 lines of credit without the approval of the probation officer
9 and he must pay the financial penalty in accordance with the
10 schedule of payment sheets that will accompany this judgment.

11 He must not communicate or otherwise interact with the
12 family of Eluid Montoya. That means Jose Luis Santos Gutierrez,
13 Ricardo Ramirez Benitez, Stanley Turner, Charles Tilson, Jerad
14 Brown, Ruben Hernandez Ramirez, Joel Reyes Pena or Juan Ramirez.
15 All of those individuals he must not have either direct or
16 indirect contact without obtaining first the permission from the
17 probation officer.

18 I also order as a special condition of supervised
19 release if applicable that he be subject to certain searches as
20 directed by Probation but only based on a reasonable suspicion
21 of a violation of one of these terms and only conducted at a
22 reasonable time and in a reasonable manner.

23 The probation officer is hereby directed to provide Mr.
24 Rangel-Rubio with a written set of instructions that governs all
25 the terms of his supervised release.

1 Mr. Rangel-Rubio, it's my duty to advise you that you
2 now have the right to appeal this sentence and conviction 14
3 days from today's date. A failure to file a timely appeal
4 within 14 days of today's date would result in a waiver of your
5 right to appeal. The Government may likewise file an appeal
6 from this sentence. You're also advised that you have the right
7 to the assistance of an attorney in making any such appeal and
8 if you are unable to afford an attorney, which I understand you
9 are not, if you are unable to afford an attorney, you're
10 entitled to the assistance of an attorney at no charge to you,
11 and Ms. Brewington, you are to remain as his attorney for the
12 purposes of making any such appeal.

13 In the event of an appeal, it will be the obligation and
14 responsibility of your counsel to continue her representation on
15 appeal unless and until relieved by order of the Court of
16 Appeals.

17 Mr. Rangel-Rubio, I'll also inform you that if you so
18 request, the clerk of court will prepare and file a notice of
19 appeal on your behalf.

20 Well, sentence has now been pronounced. Other than the
21 objections that were made and ruled upon, do you now have any
22 objections to my findings of fact, my conclusions of law, or to
23 the manner in which sentence was pronounced, Ms. Brewington?

24 MS. BREWINGTON: No, Your Honor.

25 THE COURT: And Ms. Groover?

1 MS. GROOVER: No objections.

2 THE COURT: All right, then Mr. Rangel-Rubio, I'll
3 remand you to the custody of the US Marshal and counsel, we will
4 be in recess.

5 (Proceeding concluded at 11:41 a.m.)

6 CERTIFICATION

7
8 I certify that the foregoing is a true and correct
9 transcript of the stenographic record of the above-mentioned
10 matter.

11

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Debra Gilbert, Court Reporter

06/05/2023

Date

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